

Message Text

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ORIGIN EB-07

INFO OCT-01 ARA-06 ISO-00 CIAE-00 COME-00 DODE-00 DOTE-00

FMC-01 INR-07 NSAE-00 CG-00 OFA-01 DLOS-04 L-03 /030 R

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FM SECSTATE WASHDC

TO AMEMBASSY LIMA

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E.O. 11652: N/A

TAGS: EWWT, RE, US

SUBJECT:SHIPPING: SHIPPER'S COMPLAINT AND REQUEST FOR
INFORMATION ON WAIVER PROCEDURE

1. FEDERAL MARITIME COMMISSION (FMC) HAS RECEIVED COMPLAINT FROM U.S. SHIPPER (OREGON LUMBER EXPORT COMPANY, PORTLAND, OREGON) RE ITS INABILITY TO OBTAIN SATISFACTORY SHIPPING SERVICE FROM EITHER CPV OR PRUDENTIAL FOR LUMBER SHIPMENTS OUT OF YAQUIMA BAY/NEWPORT, OREGON DESTINED FOR PERU. COMPLAINANT CITES GOP CARGO PREFERENCE LAWS AND PRUDENTIAL/CPV SOUTHBOUND EQUAL ACCESS/POOLING AGREEMENT (FMC NO. 9939) AS CAUSE OF DIFFICULTY SINCE REGULAR THIRD FLAG SERVICE HAS BEEN ELIMINATED THEREBY.

2. FMC HAD CONTACTED BOTH LINES ON MATTER. CPV HAS INDICATED NEWPORT IS NOT A PORT OF CALL AND IT'S NOT INTERESTED IN EXPANDING SERVICE, WHILE PRUDENTIAL REPORTEDLY DOES NOT FEEL SPECIAL PORT CALL ECONOMICALLY FEASIBLE FOR AMOUNT OF LUMBER INVOLVED. QUESTION OF CPV
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GRANTING WAIVER FOR USE OF THIRD FLAG VESSELS ALSO

RAISED. CPV INDICATED AUTHORITY THEREFOR RESTS SOLELY
WITH GOP.

3. ONLY REFERENCE TO POSSIBLE WAIVER PROCEDURE DEPARTMENT

HAS FOUND IS ARTICLE 4 OF PERUVIAN SUPREME DECREE NO.
0003-70 TC/AC OF JANUARY 16, 1970 WHICH INDICATES
PERUVIAN CONSULS AND CHAMBERS OF COMMERCE AS BEING
ABLE TO CERTIFY THAT PERUVIAN FLAG VESSELS UNAVAILABLE
OR UNABLE TO CARRY CARGO. SINCE EXACT WAIVER PROCEDURE
IS UNKNOWN, EMBASSY REQUESTED TO OBTAIN FOLLOWING INFOR-
MATION FROM APPROPRIATE GOP AUTHORITIES:

- A) WHO SUBMITS REQUEST FOR WAIVER OF PERUVIAN CARGO
PREFERENCE LAWS?
- B) WHAT ADMINISTRATIVE PROCEDURES ARE INVOLVED IN
GRANTING WAIVERS?
- C) WHERE NEITHER PARTY TO AGREEMENT NO. 9939 IS
WILLING TO SERVE A PARTICULAR PORT, CAN AND WILL GOP
AUTHORITIES GRANT BLANKET WAIVER FOR SHIPMENT OF CARGO
ON A THIRD FLAGE VESSEL OR MUST REQUESTS BE MADE ON A
CASE BY CASE BASIS?
- D) WHAT ADDITIONAL INFORMATION, IF ANY, IS REQUIRED BY
GOP AUTHORITIES FOR PROCESSING REQUESTS FOR WAIVERS? KISSINGER

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